



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference P18966PC00	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/NO2004/000072	International filing date (day/month/year) 18.03.2004	Priority date (day/month/year) 26.03.2003
International Patent Classification (IPC) or both national classification and IPC E04C3/00		
Applicant		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	<p>This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 6 sheets.</p>
3.	<p>This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>

Date of submission of the demand 11.11.2004	Date of completion of this report 28.01.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Cleuziou, Y Telephone No. +49 89 2399-2492 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/NO2004/000072

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-3 received on 11.11.2004 with letter of 10.11.2004

Claims, Numbers

1-10 received on 11.11.2004 with letter of 10.11.2004

Drawings, Sheets

1/2-2/2 as published

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/NO2004/000072

5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

see separate sheet

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-10
	No: Claims	
Inventive step (IS)	Yes: Claims	1-10
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. An amendment filed with the letter dated 10.11.2004 introduce subject-matter which extends beyond the content of the application as filed, contrary to Rule 70.2(c) PCT. The amendment concerned is the following:

- page 1, line 31: The two separate chains of pipe sections are **flexible** prior to be assembled and
- claim 1 (page 4, lines 6, 9 and 16) and claim 8 (page 5, lines 14 and 16): **flexible** pipes-half(ves).

Moreover, in claim 1 (page 4, line 10), the same pipes-half(ves) are qualified as being "rigid", which appears to be contradictory to their flexibility.

In fact, it seems that the pipes-half(ves) are articulated by means of hinges, which does automatically mean that they are flexible as the bands mentioned in the cited prior art.

Consequently, the present report is established as if the expression "flexible pipes-half(ves)" was not introduced in the application.

2. Reference is made to the following document:

D1: SE 459 267 B

- 2.1 The document D1 is regarded as being the closest prior art to the subject-matter of claim 1 and shows (the whole document and in particular the figures) a rigid pipe of variable length comprising the features of claim 1 described at page 4, lines 5-9 and 12-17.

The subject-matter of claim 1 differs from the rigid pipe of variable length known from D1 in that each elongated pipe-half is formed as a chain of rigid, semi-cylindrical pipe sections (2) joined together in series at their opposing transversal ends by hinges (3).

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NO2004/000072

- 2.2. The problem to be solved by the present invention may be regarded as having a more rigid pipe capable to support higher loads.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) because D1 and the other cited documents use continuous flexible bands to carry out the pipe in a zipper-like motion and the cited prior art does not suggest the use of articulated pipe sections to form a pipe of variable length in this way.

3. Claim 8 which concerns the method for forming a rigid pipe according to claim 1 is also new and inventive.

Claims 2-7 and 9-10 are respectively dependent on product claim 1 and method claim 8 and as such also meet/s the requirements of the PCT with respect to novelty and inventive step.